UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ALABAMA NORTHWESTERN DIVISION

OPHA D. THOMPSON,

Case No.

Plaintiff,

V.

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA,

Defendant.

REMOVED FROM THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA CASE NO. 41-CV-2017-900279.00

DEFENDANT'S NOTICE OF REMOVAL

EXHIBIT A



Service of Process Transmittal

08/23/2017 CT Log Number 531808549

TO:

Jessica Roessel, Process Mgmt Analyst

PGIM Real Estate

Viewing Rights Only, 751 Broad Street

4th Floor Newark, NJ 07102

RE:

Process Served in Alabama

FOR:

The Prudential Insurance Company of America (Domestic State: NJ)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:

Opha D. Thompson, Pltf. vs. The Prudential Insurance Company of America, Dft.

DOCUMENT(S) SERVED:

Summons, Attachment, Complaint

COURT/AGENCY:

Lauderdale County Circuit Court, MS Case # 41CV201790027900

NATURE OF ACTION:

Employee Litigation - Wrongful Termination - November 7, 2014

ON WHOM PROCESS WAS SERVED:

C T Corporation System, Montgomery, AL

DATE AND HOUR OF SERVICE:

By Certified Mail on 08/23/2017 postmarked on 08/18/2017

JURISDICTION SERVED:

Alabama

APPEARANCE OR ANSWER DUE:

Within 30 days after summons and complaint or other document were served on you

ATTORNEY(S) / SENDER(S):

R. Willson Jenkins P.O. Box 1061

Florence, AL 35631-1061 256-764-3941

ACTION ITEMS:

CT has retained the current log, Retain Date: 08/23/2017, Expected Purge Date: 08/28/2017

Image SOP

Email Notification, Legal Process Unit legal.process.unit@prudential.com

SIGNED: ADDRESS: C T Corporation System 2 North Jackson Street

Suite 605

Montgomery, AL 36104 212-590-9070

TELEPHONE:

Page 1 of 1 / NC

information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.



CT Corporation System 2 North Jackson Street Suite 605 Montgomery, AL 36104

CIRCUIT COURT CLERK AUDERDALE COUNTY FLORENCE, ALABAMA MISSY HOMAN P.O. BOX 795

CERTIFIED

9314 7699 0430 0037,8078 39 RETURN RECEIPT REQUESTED



State of Alabama **Unified Judicial System**

COVER SHEET CIRCUIT COURT - CIVIL CASE

Case 3:17-cv-01581-HNJ D@Q@@MENT-I Filed 09/15/17 Page 4 of 13
ELECTRONICALLY FILED
8/16/2017 11:46 AM
41-CV-2017-000279.00 CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA MISSY HOMAN, CLERK Cas 41

Form ARCiv-93 Rev.5/99	(Not For D	omestic Relations Cases)	08/16/2017	Juuge Code.				
	GE	NERAL INFORMATION						
IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA								
OPHA D THOMPSON v. CT CORPORATION SYSTEM								
First Plaintiff: Business Government	✓ Individual ☐ Other	First Defendant: ☑ Bu	siness Indi evernment Oth	vidual er				
NATURE OF SUIT: Select prin	nary cause of actior	n, by checking box (check only one)	that best characterize	es your action:				
TORTS: PERSONAL INJURY		OTHER CIVIL FILINGS (cont'd)						
☐ WDEA - Wrongful Death ☐ TONG - Negligence: General		MSXX - Birth/Death Certificate Modification/Bond Forfeiture Appeal/ Enforcement of Agency Subpoena/Petition to Preserve						
☐ TOMV - Negligence: Motor Vehicle		CVRT - Civil Rights						
TOWA - Wantonness		COND - Condemnation/Eminent Domain/Right-of-Way						
☐ TOPL - Product Liability/AE	MLD	CTMP - Contempt of Court						
TOMM - Malpractice-Medica	ai	CONT - Contract/Ejectment/Writ of Seizure						
TOLM - Malpractice-Legal		TOCN - Conversion						
TOOM - Malpractice-Other TBFM - Fraud/Bad Faith/Misrepresentation		EQND - Equity Non-Damages Actions/Declaratory Judgment/ Injunction Election Contest/Quiet Title/Sale For Division						
TOXX - Other:		CVUD - Eviction Appeal/Un	lawful Detainer					
		FORJ - Foreign Judgment						
TORTS: PERSONAL INJURY		FORF - Fruits of Crime For						
TOPE - Personal Property		MSHC - Habeas Corpus/Extraordinary Writ/Mandamus/Prohibition						
TORE - Real Properly		PFAB - Protection From Abuse						
OTHER CIVIL FILINGS		FELA - Railroad/Seaman (F	ELA)					
ABAN - Abandoned Automo	shila	RPRO - Real Property						
ACCT - Account & Nonmort		WTEG - WII/Trust/Estate/Guardianship/Conservatorship						
APAA - Administrative Ager	T T	COMP - Workers' Compensation						
ADPA - Administrative Proc	• • •	CVXX - Miscellaneous Circ	uit Civil Case					
ANPS - Adults in Need of Pi								
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R 🗌 REMANDED		T TRANSFERRED FROM OTHER CIRCUIT COU						
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RELIEF REQUESTED:	MONETARY	AWARD REQUESTED NO MC	ONETARY AWARD F	REQUESTED				
ATTORNEY CODE:								
JEN009 8/16/2017 11:46:55 AM /s/ ROBERT WILLSON JENKINS MR Signature of Attorney/Party filing this form								
MEDIATION REQUESTED: □YES ☑ NO □UNDECIDED								

MISSY HOMAN, CLERK

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY ALABAMA

Opha D. Thompson)	
)	
Plaintiff,)	
)	
v.) CASE I	NO.:
)	
The Prudential Insurance (Company)	
of America)	
)	
Defendant)	

ERISA COMPLAINT

Jurisdictional Allegations

- Plaintiff, Opha D. Thompson, is a resident of the State of Alabama and resides in Lauderdale County, Alabama.
- 2. Plaintiff is a plan participant or plan beneficiary in the Hillshire Brands Company Long Term Disability Plan (hereinafter referred to as the "Plan"), which is an "employee welfare benefit plan" as defined under 29 U.S.C. 1002(1). This Plan is sponsored by Hillshire Brands Company, Plaintiff's former employer.
- 3. The Plan is insured by Defendant, The Prudential Insurance Company of America (hereinafter referred to as "Prudential") under a group policy number 50009-IL issued to Hillshire Brands Company under the laws of the state of Illinois.

- 4. Prudential both insures the Plan and determines eligibility long-term disability benefits.
- 5. Prudential is a foreign corporation with its principal headquarters in Newark, New Jersey.
- 6. The Plaintiff's complaint is for benefits due under an employee welfare benefit plan pursuant to 29 U.S.C. 1132(a)(1)(B). State Courts have concurrent jurisdiction of such actions pursuant to 29 U.S.C. 1132 (e)(1).

Factual Allegations

- 7. Plaintiff worked for Hillshire Brands Company as a biscuit assembler from 1982 through May of 2012. Thereafter, the Plaintiff was unable to work at her own occupation or any occupation due to various medical illnesses or sicknesses including osteoarthritis involving pain and swelling in her hands, legs and knees, uncontrolled high blood pressure, blurred vision and headaches.
- 8. The Plaintiff's last day of work with her employer was May 9, 2012. After a 180 waiting period, Prudential began paying Plaintiff monthly long term disability benefits effective November 8, 2012 due to her disability.

- 9. In a letter dated May 1, 2014, Prudential informed the Plaintiff that it would terminate monthly payments effective May 31, 2014 due to lack of medical support for continuing disability.
- 10. In a letter dated June 9, 2014, Prudential advised that they were reinstating monthly long term disability benefits.
- 11. In a letter dated June 17, 2014, Prudential advised that *effective* November 7, 2014 that the Plaintiff would no longer meet the definition of disabled under the terms Plan, that monthly benefits would terminate on November 7, 2014 and that she could appeal this decision to Prudential within 180 days.
- 12. In a letter dated December 3, 2014, the Plaintiff appealed Prudential's decision to terminated monthly long term disability benefits.
- 13. In a letter dated February 24, 2015, Prudential advised the Plaintiff that her appeal was denied and that she had exhausted her administrative remedies under the Plan. Prudential also informed the Plaintiff that she could also file a second voluntary appeal.
- 14. In a letter dated August 19, 2015, the Plaintiff filed a second voluntary appeal appealed regarding the termination of her monthly long term disability benefits effective November 7, 2014.

15. In a letter dated September 18, 2015, Prudential denied Plaintiffs voluntary appeal.

COUNT I

- 16. Plaintiff re-adopts and re-alleges the Jurisdictional and Factual Allegations set out in preceding paragraphs, as if, fully and completely set out herein.
- 17. Prudential has wrongfully terminated the Plaintiff's long-term disability benefits effective November 7, 2014. Plaintiff is disabled under the terms of the Plan due to the various medical conditions listed in paragraph 7.
- 18. Plaintiff is entitled under the Plan to back due benefits from November 7, 2014 to date and continuing monthly long-term disability benefits under her normal retirement age pursuant to 29 U.S.C. 1132(a)(1)(b) for as long as Plaintiff remains disabled under the terms of the Plan.
- 19. Plaintiff has had no choice but to file this action for benefits due under the terms of the Plan and has had to hire an attorney to help her prosecute both her appeals and this action.

WHEREFORE THESE PREMISES CONSIDERED, the Plaintiff prays that this Honorable Court will enter a judgment in favor of the Plaintiff and against the Defendant for past due long-term disability benefits pursuant to 29 U.S.C. 1132(a)(1)(b); for the Court to order the Defendant to pay future long-term disability benefits to the Plaintiff under the terms of the Plan for as long as the Plaintiff remains disabled; and for the Court to order the Defendants to pay interest on back due benefits and to award a reasonable attorney's fees and other costs pursuant to 29 U.S.C. 1132(g).

R. Willson Jenkins
R. Willson Jenkins (ASB-1097-i61R)
Attorney for Plaintiff
P.O. Box 1061
Florence, AL 35631-1061
256-764-3941
Willson@JenkinsandGonce.com

*Defendant to be served by certified mail

The Prudential Life Insurance Company of America Registered Agent: CT Corporation System 2 North Jackson Street Suite 605 Montgomery, AL 36104



AlaFile E-Notice

41-CV-2017-900279.00

To: ROBERT WILLSON JENKINS MR. billie@jenkinsandgonce.com

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

OPHA D THOMPSON V. CT CORPORATION SYSTEM 41-CV-2017-900279.00

The following complaint was FILED on 8/16/2017 11:46:59 AM

Notice Date: 8/16/2017 11:46:59 AM

MISSY HOMAN CIRCUIT COURT CLERK LAUDERDALE COUNTY, ALABAMA 200 SOUTH COURT STREET FLORENCE, AL, 35630

256-760-5728



AlaFile E-Notice

41-CV-2017-900279.00

To: CT CORPORATION SYSTEM 2 NORTH JACKSON STREET SUITE 605 MONTGOMERY, AL, 36104

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY, ALABAMA

OPHA D THOMPSON V. CT CORPORATION SYSTEM 41-CV-2017-900279.00

The following complaint was FILED on 8/16/2017 11:46:59 AM

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MISSY HOMAN CIRCUIT COURT CLERK LAUDERDALE COUNTY, ALABAMA 200 SOUTH COURT STREET FLORENCE, AL, 35630

256-760-5728

State of Alabama
Unified Judicial System

SUMMONS - CIVIL -

Court Case Number 41-CV-2017-900279.00

Form C-34	Rev. 4/2017		- CIVIL "	
	IN		IT COURT OF LAUDERDALE COUNT	
		OPHA D	THOMPSON V. CT CORPORATION S	SYSTEM
NOTIC	E TO: CT CORPORATION	ON SYSTEM, 2 N	ORTH JACKSON STREET SUITE 605, MONTGOMER	Y, AL 36104
			(Name and Address of Defendan	•
TAKE II ORIGIN OTHER DELIVE	MMEDIATE ACTION AL OF YOUR WRITT DOCUMENT, WITH	TO PROTECT	NT WHICH IS ATTACHED TO THIS SUME OT YOUR RIGHTS. YOU OR YOUR ATT , EITHER ADMITTING OR DENYING EAC OF THIS COURT. A COPY OF YOUR EY TO THE PLAINTIFF(S) OR ATTORNEY	ORNEY ARE REQUIRED TO FILE THE HALLEGATION IN THE COMPLAINT OR ANSWER MUST BE MAILED OR HAND
			[Name(s) of Attorney(s)]	
WHOSE	ADDRESS(ES) IS/A	RE: 210 E. TE	ENNESSEE STREET, FLORENCE, AL 356 [Address(es) of Plaintiff(s)	
OTHER	DOCUMENT WERE	SERVED ON	DELIVERED WITHIN 30 DAYS AFTER 1 YOU OR A JUDGMENT BY DEFAULT M IDED IN THE COMPLAINT OR OTHER DO	AY BE RENDERED AGAINST YOU FOR
	TO ANY SHER		PERSON AUTHORIZED BY THE ALPROCEDURE TO SERVE PROCESS:	ABAMA RULES OF CIVIL
You	are hereby comma	nded to serv	e this Summons and a copy of the Con	nplaint or other document in
this :	action upon the abo	ove-named D	efendant.	
✓ Serv	ice by certified mai	l of this Sum	mons is initiated upon the written reque	est of OPHA D THOMPSON
	uant to the Alabam			[Name(s)]
` 8	3/16/2017 11:46:59	AM	/s/ MISSY HOMAN	By:
	(Date)		(Signature of Clerk)	(Name)
☑ Cert	ified Mail is hereby	requested.	/s/ ROBERT WILLSON J (Plaintiff's/Attorney's Signature,	
			RETURN ON SERVICE	
Retu	ırn receipt of certific	ed mail recei	ved in this office on	
				(Date)
☐ I cer	tify that I personally	delivered a	copy of this Summons and Complaint of	or other document to
			in	County,
	(Name of Pe	erson Served)	(Ne	ame of County)
Alabam	a on			
		(Date)		(Address of Consol
				(Address of Server)
(Type of I	Process Server)		(Server's Signature)	
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			(Server's Printed Name)	(Phone Number of Server)
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State of Alabama Unified Judicial System Form C-34 Rev. 4/2017

SUMMONS - CIVIL -

Court Case Number 41-CV-2017-900279.00

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NOTICE TO: CT CORPORATION SYSTEM, 2 M	WORTH JACKSON STREET SUITE 605, N	MONTGOMERY, AL	38104	
*	(Name and Address	of Defendant)		
THE COMPLAINT OR OTHER DOCUME TAKE IMMEDIATE ACTION TO PROTE ORIGINAL OF YOUR WRITTEN ANSWEI OTHER DOCUMENT, WITH THE CLERI DELIVERED BY YOU OR YOUR ATTORN ROBERT WILLSON JENKINS MR.	CT YOUR RIGHTS. YOU OR Y R, EITHER ADMITTING OR DEN K OF THIS COURT. A COPY (NEY TO THE PLAINTIFF(S) OR A	YOUR ATTORN IYING EACH AL OF YOUR ANS	IEY ARE REQUIRED TO LEGATION IN THE COM WER MUST BE MAILED	FILE THE PLAINT OR
	[Name(s) of Attomey(s)]			
WHOSE ADDRESS(ES) IS/ARE: 210 E. T		CIE, AL 35630 of Plaintifi(s) or Al	lomey(s))	.
THE ANSWER MUST HE MAILED OR OTHER DOCUMENT WERE SERVED OF THE MONEY OR OTHER THINGS DEMAI	DELIVERED WITHIN 30 DAYS N YOU OR A JUDGMENT BY D	S AFTER THIS EFAULT MAY E	SUMMUNS AND COME E RENDERED AGAINST	
	Y PERSON AUTHORIZED B' PROCEDURE TO SERVE PI		MA RULES OF CIVIL	
☐ You are hereby commanded to sen	ve this Summons and a copy	of the Complai	nt or other document in	l
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✓ Service by certified mail of this Surr		. ' 11		<u> </u>
pursuant to the Alabama Rules of the		gy Home		•
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☑ Certified Mail is hereby requested.	/s/ ROBERT W (Plaintiffs/Attorne)		GNS MR.	
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SERVICE RETURN COPY